IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

OP.No. 32758 of 2000(Y)

PETITIONER:

M.A.MOHAMMED, S/O. AMMUNNI,
RESIDING IN MAMMARRAYILLATH HOUSE,
THOOVALUR DESOM, CHOONDAL VILLAGE,
THALAPPILLY TALUK. MUSLIM, BUSINESS AGED 60 YEARS.

BY ADV. SRI.N.N.NARAYANA PILLAI

RESPONDENTS:
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1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
BRANCH KALPATTA, REPRESENTED BY ITS MANAGER,

2. KERALA STATE FINANCIAL ENTERPRISES LTD.,
THIRUVANANTHAPURAM REP. BY ITS MANAGING DIRECTOR.

3. THE SPECIAL DEPUTY COLLECOR (RR PROCEEDINGS, KSFE LTD.,),
THRISSUR.

BY ADV. SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 32758/2000

ORDER ON CMP NO.55858/2000 IN O.P.NO. 32758/2000

DISMISSED.

01/12/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE ISSUED by the 3RD RESPONDENT TO THE PETITIONER DATED 31/05/2000.

P2 : COPY OF THE NOTICE NO.SDT/TSR/680&681/99-2000 DATED 26/09/2000.

P3 : COPY OF THE REVISION PETITION NO.G.4/60804/2000 BEFORE THE DISTRICT COLLECTOR, THRISSUR DATED 14/11/2000.

P3(a) : COPY OF THE STAY PETITION DATED 14/11/2000.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 32758 of 2000

Dated, this the 1st day of December, 2007

J U D G M E N T

Counsel for the petitioner is no more.

2. Even though this original petition is pending for the last seven years, no counter or statement is filed on behalf of the Kerala State Financial Enterprises Ltd. There is nothing unusual about this case because in many cases, KSFE has not responded responsibly to notices issued by this Court. It is seen that the amount demanded is Rs.5,00,000/- and this Court granted stay, at the time of admission, only on condition of payment of 1/3rd. If petitioner has not made the above payment, stay was not in force and nothing prevented the respondents from recovering the entire amount during pendency of the original petition itself. In any case, I do not find any justification in keeping the matter pending any further in this Court. Petitioner's case that the amount payable should be determined before referring the matter to revenue recovery authorities for recovery is untenable because the scheme for recovery under the Revenue Recovery Act itself provides for verification of amount payable based on documents and revision against orders of the lower authorities before the Land Revenue

Commissioner. This original petition is, accordingly, disposed of leaving freedom to the petitioner to approach the KSFE and if petitioner approaches KSFE, KSFE will give detailed statement of accounts to the petitioner and if petitioner offers payment within a reasonable time, there will be direction to the respondents to grant OTS benefit to the petitioner. Subject to the above, respondents are free to proceed with recovery of the actual arrears due with interest thereon.

3. Since counsel for the petitioner is no more and there is no appearance for the respondents, there will be direction to the Registry to forward a copy of the judgment to the respondents for information and necessary action.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg